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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,377	09/30/2003	Jeyhan Karaoguz	14970US02	6852
23446 7590 02/05/2008 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661			EXAMINER CHRISTENSEN, SCOTT B	
			ART UNIT 2144	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/675,377

Applicant(s)

KARAOGUZ ET AL.

Examiner

Scott Christensen

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/1/2004.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in regards to the most recent papers filed on 9/3/2003.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 12 recites the limitation "the first communications network" in line 3. There is insufficient antecedent basis for this limitation in the claim. For purposes of prosecution, it is assumed that "the first communications network" refers to the "network" of claim 1 that the first and second communications devices are connected to.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-12, 16-22, and 27-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Reynolds et al. in US Patent Application Publication US 2004/0045030, hereafter referred to as "Reynolds."

With regard to claim 1, Reynolds discloses a system for adapting media content, comprising:

a first communications device disposed in a first location, the first communications device being operatively coupled to a network (Reynolds: Figure 4A, Client); and

a second communications device disposed in a second location, the second communications device being operatively coupled to the network, the second communications device receiving a device profile relating to the first communications device, adapting media content based upon the device profile of the first communications device, and sending the adapted media content to the first communications device (Reynolds: Figure 4A, Processor and Paragraph [0211]).

With regard to claim 2, Reynolds discloses:

that the first communications device is coupled to the network via a first headend (Reynolds: Figure 8. The components are connected to networks. A headend, as claimed, appears to be the interface that enables the device to be connected to a network. As the devices of Reynolds are connected to the network, they have a headend.), and

that the second communications device is coupled to the network via a second headend (Reynolds: Figure 8. The components are connected to networks. A headend, as claimed, appears to be the interface that enables the device to be

connected to a network. As the devices of Reynolds are connected to the network, they have a headend.).

With regard to claim 3, Reynolds discloses that at least one of the first communications device and the second communications device comprise a software platform that can provide at least one of a user-interface functionality, a distributed storage functionality and a networking functionality (Reynolds: Figure 8. The devices are connected to at least one network, and thus have networking functionality.).

With regard to claim 4, Reynolds discloses that at least one of the first communications device and the second communications device comprises a software platform that can provide at least one of device registration, channel setup, program setup, management and security (Reynolds: Paragraph [0144]. PDAs, which can be used with the system of Reynolds, can perform some sort of managing functions.).

With regard to claim 5, Reynolds discloses that at least one of the first communications device and the second communications device is adapted to provide at least one of a distributed networking capability, an archival functionality, a temporary storage capability, a storage manager and a digital rights manager (Reynolds: Paragraph [0144]. PDAs, which can be used with the system of Reynolds, can store files, so this constitutes at least either a temporary storage capability or an archival functionality.).

With regard to claim 6, Reynolds discloses that the device profile comprises information related to digital media parameters (Reynolds: Paragraph [0211]).

With regard to claim 7, Reynolds discloses that the information related to the digital media parameters comprises information related to at least one of resolution content, display size, color content and grey-scale content (Reynolds: Paragraph [0211]).

With regard to claim 8, Reynolds discloses that the device profile comprises information related to media capabilities of the first device (Reynolds: Paragraph [0211]).

With regard to claim 9, Reynolds discloses that at least one of the first communications device and the second communications device comprises a television screen that facilitates viewing and interacting with at least one of a user interface, media, data and services available on the network (Reynolds: Figure 10. The system of Reynolds can utilize televisions, which can be used to at least view the media.).

With regard to claim 10, Reynolds discloses that the first communications device requests the media from the second communications device via the network (Reynolds: Paragraph [0229]).

With regard to claim 11, Reynolds discloses that the device profile can be updated at the first communications device (Reynolds: Paragraph [0211]. The first communication device's software creates the profile, so it can clearly at least create a new one and transmit it, which would be an updated device profile.).

With regard to claim 12, Reynolds discloses that the device profile comprises one or more digital parameters to set to a quality lower than a maximum quality level supported by the first communications network (Reynolds: Paragraph [0211]. The parameters have settings less than the level supported by the network, as with mobile devices, such as PDAs, any network can clearly transmit more information than the PDA can support (even if the network cannot transmit a lot of information, the information can be transmitted over a long period of time).).

With regard to claim 16, Reynolds discloses that the second communications device adapts one or more digital parameters of the media content based upon the device profile of the first communications device (Reynolds: Paragraphs [0211] and [0254]).

With regard to claim 17, 18, 19, and 20, the instant claims are substantially similar to subject matter presented in claim 1, and are rejected for substantially similar reasons.

With regard to claims 21, 22, and 27-29, the instant claims are substantially similar to subject matter presented in claim 1, and are rejected for substantially similar reasons.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 13-15 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds in view of Lai et al. in US Patent Application Publication US 2002/0190876, hereafter referred to as "Lai."

With regard to claim 13, Reynolds discloses the invention as substantially claimed except:

that the second communications device sends the adapted media content with a file to the first communications device,

wherein the file is associated with the media content, and

wherein the file comprises information relating to a location of a higher quality version of the media content stored on the network.

However, Lai discloses sending address and source information to the destination when the media file is provided (Lai: Figure 3). As Reynolds is concerned

with providing a lower quality presentation to allow different devices to view the presentation without significant delays, the source presentation would be a higher quality presentation than the presentation transmitted in the disclosure of Reynolds.

It would have been obvious to combine the transmission of source information, as in Lai, with the system of Reynolds.

The suggestion/motivation for doing so would have been that the source information allows the client to download the full file rather than just streaming the file (where downloading the full file may allow for the original quality, while streaming without significant delays in the presentation would require a lesser quality file to be streamed) after viewing the streamed file. Likewise, the client could stream the file, and simultaneous download the source file, allowing the client to immediately view the presentation while obtaining the high quality presentation. Further, including the information allows the original location to advertise its existence, allowing users viewing a presentation to check the original source of the presentation to find other presentations provided by the same source.

With regard to claim 14, Reynolds discloses that the file comprises a meta file associated with the media content (Lai: Figure 3. Meta data is interpreted as simply being data about data, where a meta file would be a file with data about data. In this case, the data transmitted is data about the original media presentation, and is thus data about data.).

With regard to claim 15, Reynolds discloses that the first communications device can access the higher quality version of the media content by using the file (Lai: Figure 3. As the file includes information on the location, the file can be used to access the higher quality version of the content, as it is used to determine the location.).

With regard to claims 24-25, the instant claims are substantially similar to subject matter presented in claim 13, and are rejected for substantially similar reasons.

With regard to claim 26, the instant claim is substantially similar to subject matter presented in claim 15, and is rejected for substantially similar reasons.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Christensen whose telephone number is (571) 270-1144. The examiner can normally be reached on Monday through Thursday 6:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vaughn William can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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